

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RONALD B. LOSNER,

Plaintiff,

-against-

ACT PROPERTIES, LLC,

Defendant.

ORDER

09-CV-5382 (NGG) (RML)

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff initiated this action and moved for a temporary restraining order on December 9, 2009. (Docket Entry # 1.) On December 11, 2009, Judge Eric N. Vitaliano denied Plaintiff's request for a temporary restraining order and declined to issue an order to show cause. Magistrate Judge Robert M. Levy scheduled an initial conference for April 15, 2010. (See Docket Entry # 2.)

After Plaintiff's counsel failed to appear for the initial conference, Judge Levy ordered Plaintiff's counsel to explain in writing within thirty days why he had failed to appear or to request an adjournment. (Order dated May 20, 2010 (Docket Entry # 3).) Judge Levy also instructed Plaintiff's counsel to provide a report on the status of this action and warned him that failure to comply with his Order could result in dismissal for failure to prosecute. Id. Plaintiff has not responded to Judge Levy's Order.

On July 2, 2010, Judge Levy issued a Report and Recommendation ("R&R") recommending that the court dismiss Plaintiff's action for lack of prosecution. No party has objected to the R&R, and the time for doing so has passed. See Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Levy's R&R, the court hereby adopts it in its entirety. See, e.g., Brown v. Ebert,

No. 05-CV-5579 (DLC), 2006 U.S. Dist. LEXIS 94265, at *6 (S.D.N.Y. Dec. 29, 2006) (where no party objects to an R&R, review is for “clear error”). The action is dismissed for failure to prosecute. The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: Brooklyn, New York
July 26, 2010

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge